

REMARKS

The following remarks are in response to the Office Action mailed on May 23, 2002. Upon entrance of the amendments set out above, Claims 1-48 remain pending in this application.

The Examiner rejected claims 1-48 under 35 USC §112 because the word force was held improper. The Examiner rejected claim 32 under 35 §112 as having bag machine in the preamble without having a structure related to a bag machine. The Examiner rejected each claim as being unpatentable under 35 USC §102 or §103 over McDaniel (5285678) or Huben (5861078). Response is hereby made to these rejections. The remarks below follow the order of the rejections set forth by the Examiner.

The Examiner rejected claims 1-48 under 35 §112 because the word "force" was used improperly to mean "force signal". The claims include the use of the word "force", as well as the phrases "force signal", "force transmitter", "force sensor". It is unclear to the Applicants if the Examiner objects to the use of the word "force" (such as in claim 1, line 4) or the phrases stated above.

The phrases are all defined by the patentee, and the Examiner has pointed to no accepted definition that is antithetical to the Applicants' definition. Indeed, Applicants are aware of NO contrary definitions.

To the extent the Examiner was rejecting to the single word force, such as used in Claim 1, line 4, the Applicants respectfully submit that force has an accepted definition, and the claims are using that definition. Force has a dictionary definition that includes: strength or energy exerted or brought to bear; cause of motion or change; and an influence that if applied to a free body results chiefly in an acceleration of the body and sometimes in elastic deformation and other effects. These definitions are all consistent with the use of the word force in the claims. Indeed, there are many types of forces, and

Appl. No. 09/840369

the claims intend to not be limited to a particular force. The Examiner apparently desires force to mean the force deliver in impact testing. That is contrary to the accepted definition of force. Even the cited art (McDaniel) uses force to describe vacuum forces and clamping forces. Accordingly, this rejection should be withdrawn.

Claim 32 was rejected under 35 USC §112 because the preamble referred to a bag machine, and the body of the claim did not. The preamble has been amended to delete bag. Accordingly, this rejection has been overcome.

Claims 1-31 and 43-48 were rejected under 35 SC §102 as being anticipated by McDaniel. The independent claims all have limitations to the film (or bag) moving and the force being created by that movement. These features are not shown in McDaniel.

Claims 1-11, 14-20, 24-38, 32-48 were rejected under 35 SC §102 as being anticipated by Huben. As stated above, the independent claims all have limitations to the film (or bag) moving and the force being created by that movement. These features are not shown in Huben. Indeed, Huben, to the extent it teaches how to sense seals, it shows optical or magnetic sensing. Neither optical nor magnetic sensing involves a force created by the moving film.

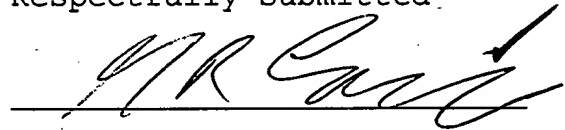
Regarding the 103 rejections, none of the cited art teaches a sensor where the moving of the film creates a force, which is then sensed or transmitted. Accordingly, all of the claims should be allowed.

Accordingly, in view of the above amendments and remarks, Applicants respectfully submit that the application should be allowed. The Examiner is invited to telephone the undersigned below if it will aid in the prosecution of this application.

Appl. No. 09/840369

Attached hereto is a marked up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

Respectfully Submitted

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

1 1. (Amended) An apparatus for detecting a seal on a
2 moving film, comprising;
3 a force transmitter, disposed to transmit a force
4 from the film, wherein the force is created when the film
5 moves with respect to the force transmitter;
6 a force sensor disposed to receive the transmitted
7 force and provide a force signal in response thereto; and
8 a controller, disposed to receive the force signal
9 and provide a seal signal in response thereto.

1 15. (Amended) A method for detecting a seal on a
2 moving film, comprising;
3 creating a force when the film moves relative to a
4 sensor;
5 providing a force signal responsive to the seal;
6 and
7 detecting the force and providing a seal signal in
8 response thereto.

1 24. (Amended) An apparatus for detecting a seal on a
2 moving film, comprising;
3 means for providing a force signal in response to
4 the seal and a force, wherein the force is created when the
5 film moves;
6 means for detecting the force signal, coupled to
7 the means for providing a force signal; and
8 means for providing a seal signal in response to
9 the force signal, coupled to the means for detecting.

1 32. (Amended) A [bag] machine, comprising;
2 a force transmitter, disposed to transmit a force
3 responsive to a seal on a bag, wherein the force is created
4 as the bag moves relative to the transmitter;
5 a force sensor disposed to receive the transmitted
6 force and provide a force signal in response thereto;
7 at least one upstream processing device, located
8 upstream of the force transmitter;
9 at least one downstream processing device, located
10 downstream of the force transmitter; and
11 a controller, disposed to receive the force signal
12 and provide a seal signal in response thereto.

1 43. (Amended) A method for processing a bag,
2 comprising;
3 transporting the film from a first processing
4 device to a seal sensing location, and past the seal sensing
5 location;
6 providing a force signal responsive to the seal
7 and a force at the seal sensing location, wherein the force
8 is created by the seal moving;
9 detecting the force and providing a seal signal in
10 response thereto;
11 transporting the film to a second processing
12 device.